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City Council Document Tracking Sheet

Meeting Date:	12/14/2011
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Amendment of various provisions of Municipal Code regarding parades, athletic events and public assemblies
Committee(s) Assignment:	Committee on Special Events, Cultural Affairs and Recreation



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

December 14, 2011

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Cultural Affairs and Special Events, I transmit herewith an ordinance amending various provisions of the Municipal Code regarding parades, athletic events and public assemblies.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 7-12-240 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by adding the language underscored, as follows:

7-12-240 Horse-drawn carriage – Right to demand proof of license – Exception.

The executive director or any animal control officer has the power to demand proof of the issuance of a license under Section 7-12-220 at any time that said horse is being used to draw a carriage licensed under Chapter 9-108 of the municipal code any place within the city, except that no such horse license shall be required of a person who has obtained a permit under Section sections 10-8-330 or 10-8-332 of the municipal code while operating under such permit.

SECTION 2. Chapter 8-32 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by adding the language underscored, as follows:

8-32-070 Music and amplified sound.

(Omitted text is unaffected by this ordinance)

(c) The limitations imposed in this section do not apply between the hours of 8:00 a.m. and 10:00 p.m. to a person participating in: (1) a ~~parade, athletic event~~, public assembly, as that term is defined in section 10-8-334; or (2) a ~~parade, athletic event~~, or outdoor special event, as defined in section sections 10-8-330, 10-8-332, or 10-8-335 of this Code; provided that a permit has been issued for the ~~parade, athletic event or outdoor special event~~, if required, and the person is in compliance with the permit.

(Omitted text is unaffected by this ordinance)

8-32-170 Exceptions and exclusions.

(Omitted text is unaffected by this ordinance)

(d) Special events and public performances.

(1) The limits set forth in this chapter do not apply between the hours of 8:00 a.m. and 10:00 p.m. to a person participating in: (1) a ~~parade, athletic event~~, public assembly, as that term is defined in section 10-8-334; or (2) a ~~parade, athletic event~~ or outdoor special event, as defined in section 10-8-330, 10-8-332 or 10-8-335 of this Code; provided that a permit has been issued, if required, and the person is in compliance with the permit.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 9-76-145 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by adding the language underscored, as follows:

9-76-145 Broadcast or recorded sound restrictions.

(a) No person shall play, use, operate, or permit to be played, used or operated, a device for receiving broadcast sound or reproducing recorded sound in any motor vehicle on the public way in a manner or at a volume such that the sound generated by the device is clearly audible to a person with normal hearing at a distance greater than 75 feet. This section shall not apply between the hours of 8:00 a.m. and 10:00 p.m. to a person participating in: (1) a parade, athletic event, public assembly, as that term is defined in section 10-8-334; or (2) a parade, athletic event or outdoor special event, as defined in Section sections 10-8-330, 10-8-332 or 10-8-335 of this Code, for which a permit has been issued, if applicable required, and the person is in compliance with the permit.

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 9-108-190 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

9-108-190 Licenses not required when.

No horse-drawn carriage license shall be required of a person who has obtained a permit under Sections 10-8-330 or 10-8-332 of this municipal code while operating under such permit, nor shall the driver of a carriage operating under such permit be required to obtain a horse-drawn carriage driver's license.

SECTION 5. Chapter 10-8 of the Municipal Code of Chicago is hereby amended by adding two new sections 10-8-332 and 10-8-334, and by deleting section 10-8-330 in its entirety and replacing it a new section, as follow;

10-8-330 Parade.

(a) The following terms are defined for the purposes of this chapter, as follows:

"Business day" means those days in which municipal offices are open for conducting city business. A "business day" does not include Saturday, Sunday or the holidays listed in section 2-152-090.

"Commissioner" means the commissioner of transportation.

"Large parade" means any parade that is held in the central business district, as that term is defined in section 9-4-010, or any parade that is anticipated to require city services exceeding \$20,000.00 in value, to be adjusted beginning in 2013 for inflation.

"On-duty" means any city employee, including a police officer, who is scheduled to work on a specific day or shift as part of the employee's normal working hours. A city employee is not "on-duty" if the employee was not normally scheduled to work on that specific day or shift as part of the employee's normal working hours, but was called in or scheduled to work on that specific day or shift due to the demand for additional city personnel or resources.

The term "organization" shall include any voluntary association entered into for the purpose of organizing a parade.

"Parade" means any march, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, upon any public street, sidewalk, alley or other public place, which requires a street closing or otherwise requires authorized city employees to stop or reroute vehicular traffic because the parade will not or cannot comply with normal and

usual traffic regulations or controls.

"Parade marshal" means a person who, under the direction and supervision of a parade organizer, assists the parade organizer with parade participants, parade units, animals, vehicles or things at the assembly and disbanding areas or along the parade route.

"Parade organizer" means the person listed on the permit application who is designated as the responsible planner and on-site manager for the parade.

"Parade unit" or "unit" means one vehicle, one float or one marching group.

"Person" has the same meaning ascribed to that term in section 1-4-090.

"Traditional parade" means a parade that has been conducted on or about a certain date, on a substantially similar route, and in connection with a specific holiday or consistent theme, for at least the prior five years.

(b) No parade is permitted on any portion of the public way unless a permit allowing such activity has been obtained from the department of transportation.

(c) Except as provided in subsection (i), any person or organization seeking to obtain a parade permit shall file an application with the commissioner in the same calendar year as, and not less than 15 business days before, the date for which the parade is proposed; provided that if the requested permit is for a parade to be held in January, the application must be filed not less than 15 business days before, and not more than one year before, the date for which the parade is proposed. The commissioner shall consider an application for a parade which is filed less than 15 business days before the proposed event, where the purpose of such event is a spontaneous response to a current event, or where other good and compelling causes are shown.

(d) (1) No person or organization may submit more than one application for the same parade date and route, or for a parade substantially similar in theme or units described but requesting an alternate date or route, whether using the same name, different names, or different affiliations that the person or organization may control or be a member of.

(2) No person or organization may submit an application on behalf of another person or entity that is also filing a parade application.

(3) Where a person or organization submits multiple applications for the same parade date and route, or for a parade substantially similar in theme or units described but requesting an alternate date or route, whether by using one name or multiple names, that person or organization shall not be eligible for such a permit and shall be in violation of this ordinance.

(4) The commissioner is authorized to disregard any such multiple applications and to deny any permit on the basis of a violation of this subsection (d). Any applicant who disagrees with the commissioner's actions hereunder may appeal, in the manner set forth in subsection (l).

(e) (1) An application for a parade permit shall contain the following information;
(i) the name, address, 24-hour contact telephone number, and, if available the fax number and e-mail address, of the person signing the application, and the organization with which that person is affiliated or on whose behalf the person is applying, if applicable. If the person is signing the application

on behalf of an organization, evidence that the person is authorized to sign the application on behalf of such organization;

(ii) where an organization is involved in requesting a permit, the name, address, 24-hour contact telephone number, and, if available, the fax number and e-mail address, of the leaders of the organization conducting the parade. If the applicant at a later date becomes affiliated with an organization for purposes of producing a parade, this information shall be submitted at such time;

(iii) the name, address, 24-hour contact telephone number, and, if available, the fax number and e-mail address of the parade organizer;

(iv) the date of the proposed parade and the hours that it will begin and end;

(v) the location and exact street address of the assembly and disbanding area, the time when the parade will begin to assemble and disband and whether a permit has been obtained from the property owner to use the assembly or disbanding area;

(vi) the approximate number of persons and vehicles, floats or other units to participate in the parade and the basis on which this estimate is made;

(vii) the route along which the parade will proceed and the sidewalks or lanes of traffic it will occupy;

(viii) a list identifying the type and number of all animals that applicant intends to have at the parade; and

(ix) a description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade.

(2) As a condition of the permit, the permit holder shall keep all information current. Any change in required information shall be reported to the commissioner immediately.

(3) The application for a parade permit shall be accompanied by a non-refundable processing fee of \$50.00.

(4) No permit shall be issued until the parade organizer provides proof of the insurance required in subsection (m), if applicable.

(5) The application shall be in a form and format as prescribed by the commissioner in rules and regulations. The commissioner is authorized to disregard any application filed not in compliance with such rules and regulations and the application shall be returned to the applicant.

(f) The commissioner shall investigate the facts set out in the application, in consultation with the police department, which shall be sent copies of the application immediately upon receipt. Where the commissioner determines that additional information on the factors set forth in subsection (g)(1) – (5) is required, copies of the application and a request for such information also shall be sent to any appropriate city department or other governmental agency, including any sister

agency. Where the commissioner determines that any such entities may need to make advance preparations for the parade, or may have information useful to planning for city services supporting the event, a copy of the permit or an alternative form of notice shall be sent to the appropriate city department, and any governmental agency, including any sister agency, which may be affected by the parade.

The commissioner shall send a copy of each parade permit application to the alderman of the ward or wards in which the parade is to be held, with a request for any information on the factors set forth in subsection (g)(1)-(3), and a copy of the grant or denial of a parade permit.

Every February 1st and August 1st the commissioner shall send to the police department and the city council committees on special events, cultural affairs and recreation and transportation and public way a list of all parade permits granted which have not previously been reported.

(g) After such investigation, the commissioner shall issue a permit when the commissioner finds that:

(1) The parade will not substantially or unnecessarily interfere with traffic in the area contiguous to the activity, or that, if the parade will substantially interfere with such traffic, that there are available at the time of the proposed parade sufficient city resources to mitigate the disruption;

(2) There are available at the time of the parade a sufficient number of on-duty police officers, or other city employees authorized to regulate traffic, to police and protect lawful participants in the parade and non-participants from traffic-related hazards in light of the other demands for police protection at the time of the proposed parade;

(3) The concentration of persons, animals, vehicles or things at the assembly and disbanding areas and along the parade route will not prevent proper fire and police protection or ambulance service;

(4) The parade will not interfere with the use of the requested area by another party to whom a valid permit has been issued for the same area or route, or does not conflict with another application, or with a traditional parade;

(5) The parade will not be conducted for any purpose or in any manner made unlawful elsewhere in this code or by any other local, state or federal law; and

(6) The application contains sufficient information about the person or organization applying for the permit, the parade organizer, and the proposed date, time, location, route and number of participants.

(h) Subject to subsection (i), all applications for any parade permit shall be processed on a first-in-time basis; provided that if there is a conflict between two or more applications filed, the conflict shall be resolved as follows.

(1) During the first five business days of each calendar year, the commissioner shall accept all applications for a parade permit filed without giving priority to applications filed first in time; provided however that for purposes of calculating the number of days required to take action or provide notice pursuant to subsection (j), all applications filed within the first five business days of the calendar year shall be deemed as filed on the fifth business day of the year.

(2) Where there is a conflict between two or more applications filed during the first

five business days, or with an application for a traditional parade, the commissioner shall first evaluate whether the conflict could be resolved by assigning the applicants consecutive times on the same day and route, giving consideration to the criteria set forth in subsection (g) (1) -(4). If the commissioner finds that consecutive times are appropriate, the commissioner shall notify each applicant that the permit shall be granted for the specified alternative time. For those applicants who are not assigned their requested time period, such notice shall be treated as a denial and offer of alternative under subsection (k) for purposes of the five-business day time period in which to file an acceptance or appeal.

Where consecutive times are not deemed appropriate and the conflict is with an application for a traditional parade, the traditional parade shall receive the permit in compliance with subsection (i).

(3) With respect to any remaining conflicts among permit applications, the commissioner shall notify the applicants that the conflict shall be resolved by lottery, and of the date, time and place of the lottery. Within seven days after the lottery, the applicants not chosen may submit alternative preferences to the commissioner. Any requests for alternative preferences submitted by applicants under this subsection shall be treated as a new application, for purposes of all time limitations under this section, and any conflicts arising among the alternative preferences shall be resolved in accordance with the procedures set forth herein.

(4) Applications for a parade permit received during the first five business days of the calendar year shall be given priority over applications received thereafter.

(i) For purposes of protecting the expectations and enjoyment of the public, a traditional parade shall be given a preference to continue on the traditional date and route of the parade. An application for a permit for a traditional parade shall be filed between the 1st and 15th day of December in the year prior to which the parade is to be held. Any application for a permit for a traditional parade filed after such time shall lose the traditional parade preference and shall be considered as an application for a non-traditional parade permit and subject to subsection (h).

In addition to any other information required, the commissioner may request an applicant for a traditional parade permit to provide information or documentation that the parade for which the permit is requested meets the criteria for a traditional parade.

Where the prior organizer of a traditional parade has been consistent and is ascertainable, that person or organization shall be given the preference.

Where there is a dispute regarding which person or organization shall receive the traditional parade preference for a certain date or route, the traditional parade which has been in existence longer shall receive the permit.

Where two or more applications are filed purporting to represent the prior organizer of a traditional parade, or where there have been different organizers over the past five years, the commissioner may request those involved to submit documentation to resolve such conflict. Where the commissioner finds no clear resolution of the conflict, the commissioner shall conduct a lottery to select the permittee, and shall notify each applicant in writing by mail, fax or e-mail of the existence of the conflict and of the date, time and place of the lottery.

Any applicant who disagrees with the commissioner's actions hereunder may appeal, in the manner as set forth in subsection (l).

(j) (1) The commissioner shall take action upon the application for a parade permit, and provide notice thereof, for applications filed in January within ten business days after filing of an application, for all other applications within seven business days after the filing thereof or, if any lottery is held, within seven business days of the lottery, except that where the purpose of such event is a spontaneous response to a current event, or where other good and compelling cause is shown, the commissioner shall act within two business days.

(2) Notice shall be made in writing by mail, fax, or e-mail directed to the applicant, stating the facts and conclusions which are the basis for any denial of the permit and, if the action taken is setting a lottery date or offering a consecutive time, then describing the conflict among application requests. If the commissioner denies an application for failure to provide sufficient information about the proposed route or the estimated number of participants, he shall specify what additional information must be provided in a new or amended application.

(3) In the event that the commissioner fails to take action within the time prescribed in subsection (j)(1) after the date upon which the application was filed, the application shall be deemed approved and the permit deemed granted as to the time, date, location and route as set forth in the application.

(k) When the commissioner denies an application for a parade permit, the commissioner shall authorize the conduct of a parade on a date, at a time, at a location, or over a route different from that named by the applicant. This alternate permit shall, to the extent practicable, authorize an event that will have comparable public visibility and a similar route, location and date to that of the proposed parade. An applicant desiring to accept an alternate parade permit shall, within five business days after notice of the action by the commissioner, file a written notice of acceptance with the commissioner. Where the denial and alternate are based on a conflict between applications for a parade permit, however, the procedures set forth in subsection (h) shall apply.

The commissioner is empowered to limit the parade to the sidewalk or to one or more traffic lanes of the street if it is determined that such limited area is capable of accommodating the number of parade participants or parade units anticipated, based upon the information submitted by the applicant and the experience of previous comparable events, and such limitation shall not be considered a denial.

(l) (1) Any applicant who believes that his application for a permit is wrongfully denied may file an appeal with the department of administrative hearings within five business days of the date of notice of the commissioner's decision. If no appeal is filed within five business days of the date of notice of the commissioner's decision, that decision shall be deemed final.

Upon the filing of such appeal, the department of administrative hearings shall cause a hearing to be held within five business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the commissioner.

Any final decision of the department of administrative hearings shall be subject to judicial review in accordance with applicable law.

In the event that the department of administrative hearings fails to act within two business days of the conclusion of a hearing held under this section, the application for a permit shall be deemed approved and the permit deemed granted as to the date, time, location and route as set forth in the application.

(2) If there is not sufficient time to file the appeal in accordance with the procedure set forth in this subsection, the decision by the commissioner shall be deemed a final decision subject to judicial review in accordance with applicable law.

(m) For large parades, the commissioner shall require, as a condition of the permit, that the parade organizer: (1) obtain a \$1,000,000.00 commercial general liability insurance policy, naming the city as an additional insured; (2) indemnify the city against any additional or uncovered third party claims against the city arising out of or caused by the parade; and (3) agree to reimburse the city for any damage to the public way or to city property arising out of or caused by the parade.

(n) (1) At least one week prior to the scheduled parade, the parade organizer shall submit to the department of cultural affairs and special events a line of march, which shall list all parade units in numerical order, with a description and an estimate of the size or length of each unit.

The commissioner may establish in rules and regulations provisions for the orderly conduct of the parade, including a time limitation not to exceed 2 hours and certifications for any animals to be used in the parade.

(2) In order to protect the health and safety of the public, employees of the commission on animal care and control are authorized to inspect animals prior to their use in the parade and to prohibit the use of animals found to be diseased, unhealthy or which pose a danger to public health and safety.

(3) Every parade shall have a parade organizer and shall also have one parade marshal for every 100 parade participants.

(o) Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of parade participants and parade units, and in the event that the number of participants in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodation to increase the portion of the public way made available in order to preserve public health and safety.

Alternatively, where the number or size of parade participants or parade units participating are substantially less than expected, members of the police department are authorized to limit the available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of participants and units present.

(p) The commissioner, in consultation with other city departments and agencies, including the department of cultural affairs and special events, is authorized to promulgate rules and regulations to implement this section.

(q) It shall be unlawful for any person to knowingly interfere with any person or organization lawfully conducting a parade.

(r) Any requirement for an application fee or obtaining insurance provided for in this section shall be waived by the commissioner if the application is for an activity protected by the 1st Amendment to the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from applying for a parade permit for the proposed activity. An application for a waiver of the application fee or insurance requirement shall be made on a form prescribed by and contain reasonable proof acceptable to the commissioner.

(s) Any person violating any of the provisions of this section, or any of the provisions of the regulations promulgated hereunder, shall be fined not less than \$1,000.00 nor more than \$2,000.00, or may be subject to incarceration for up to ten days, or both. In addition to any other penalty or fine provided, any person who sells or transfers a permit granted under this section shall be barred from applying for another such permit for a period of three years.

10-8-332 Athletic event.

(a) The following terms are defined for the purposes of this chapter, as follows:

"Athletic event" means any event involving the conduct of exercises, sports, games, marathons, or similar types of events, which is reasonably anticipated to obstruct the normal flow of traffic upon the public way.

"Athletic event organizer" means the person listed on the permit application who is designated as the responsible planner and on-site manager for the athletic event.

The term "organization" shall include any voluntary association entered into for the purpose of organizing an athletic event.

The terms "Business day," "Commissioner," "On-duty" and "Person" have the same meaning ascribed to those terms in section 10-8-330.

(b) No athletic event is permitted on any portion of the public way unless a permit allowing such athletic event has been obtained from the department of transportation.

(c) Any person or organization seeking to obtain an athletic event permit shall file an application with the commissioner in the same calendar year as, and not less than 45 days before, the date for which the athletic event is requested, unless the requested permit is for an event to be held in January or February, in which case the application must be filed not less than 45 days before, and not more than one year before, the date for which the athletic event is requested.

(d) (1) The application for an athletic event permit shall contain the following information;

(i) the name, address, 24-hour contact telephone number, and the fax number and e-mail address, if available, of the person signing the application, and the organization with which that person is affiliated or on whose behalf the person is applying, if applicable. If the person is signing the application on behalf of an organization, evidence that the person is authorized to sign the application on behalf of such organization;

(ii) where an organization is involved in requesting a permit, the name, address, 24-hour contact telephone number, and the fax number and e-mail address, if available, of the authorized and responsible leaders of the organization conducting the athletic event. If the applicant at a later date becomes affiliated with an organization for purposes of producing an athletic event, this information shall be submitted at such time;

(iii) the name, address, 24-hour contact telephone number, and the fax number and e-mail address, if available, of the athletic event organizer;

(iv) the date of the proposed athletic event and the hours that it will begin

and end;

(v) the location and exact street address of the assembly and disbanding area, the time when the athletic event will begin to assemble and disband and whether a permit has been obtained from the property owner to use the assembly or disbanding area;

(vi) the approximate number of spectators and participants in the athletic event and the basis on which this estimate is made;

(vii) a description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the athletic event; and

(viii) any route along which the athletic event will proceed and the sidewalks or lanes of traffic it will use.

(2) As a condition of the permit, the permit holder shall keep all information current. Any change in required information shall be reported to the commissioner immediately.

(3) The application for an athletic event permit shall be accompanied by a non-refundable processing fee of \$50.00.

(e) The commissioner shall investigate the facts set out in the application, in consultation with the department of police and other appropriate city departments and sister agencies, which shall be sent copies of the application immediately upon receipt. Where the commissioner determines that additional information on the factors set forth in subsection (f)(1)-(7) is required, copies of the application and a request for such information also shall be sent to any appropriate city department or other governmental agency, including any sister agency. Where the commissioner determines that any such entities may need to make advance preparations for the athletic event, or may have information useful to planning for city services supporting the event, a copy of the permit or an alternative form of notice shall be sent to the appropriate city departments, and any other governmental agency, including any sister agency which may be affected by the athletic event.

The commissioner shall send a copy of each athletic event permit application to the alderman of the ward or wards in which the athletic event is to be held, with a request for any information on the factors set forth in subsection (f)(1)-(3), and a copy of the grant or denial of a athletic event permit.

Every February 1st and August 1st the commissioner shall send to the police department and the city council committees on special events, cultural affairs and recreation and transportation and public way a list of all athletic event permits granted which have not previously been reported.

(f) After such investigation, the commissioner shall issue a permit when the commissioner finds that:

(1) The proposed athletic event will not substantially or unnecessarily interfere with traffic in the area contiguous to the activity, or that, if the athletic event will substantially interfere with such traffic, that there are available at the time of the proposed activity sufficient city resources to mitigate the disruption;

(2) There are available at the time of the athletic event a sufficient number of on-duty police officers, or other city employees authorized to regulate traffic, to police and protect lawful participants in the activity and non-participants from traffic-related hazards in light of the other demands for police protection at the time of the proposed event or activity;

(3) The concentration of persons, animals, vehicles or things at the assembly and disbanding areas and along the athletic event route will not prevent proper fire and police protection or ambulance service;

(4) An applicant for an athletic event permit has complied with subsection (k) herein;

(5) If the application is for an athletic event for which participation fees will be charged for participation in the event, the proposed athletic event will be in the best interest of the city in light of the: (i) apparent ability of the applicant to comply with the requirements of this section, and (ii) willingness and financial ability of the applicant to conduct the event in a manner appropriate to the type of the event, and to pay any prizes that the applicant has advertised or is likely to advertise. In making a determination under this subparagraph (f)(5), the commissioner may consider the experience of the applicant in conducting the same or similar events, and may require additional information from the applicant with respect to the proposed event and the applicant's financial situation;

(6) The proposed activity will not interfere with the use of the requested area by another party to whom a valid permit has been issued for the same area, or does not conflict with another permit application or a traditional parade, as that term is defined in section 10-8-330; and

(7) The application contains sufficient information about the person or organization applying for the permit; the proposed athletic event; the date, time, location and route; and the number of participants and anticipated number of spectators.

(g) All applications for an athletic event permit shall be processed on a first-in-time basis.

(h). The commissioner shall inform the applicant for an athletic event permit whether the application is approved or denied within 30 days after the filing thereof. If the commissioner approves the application, the commissioner shall inform the applicant within such time of the compensation, insurance or bond, if any, required pursuant to this section. If the commissioner denies the application, the commissioner shall provide written notice by mail, fax or e-mail of the commissioner's action within such time, stating the specific facts and conclusions which are the basis for the denial of the permit. If the commissioner fails to act within 30 days after the date upon which the application was filed, the application for an athletic event permit shall be deemed approved and the permit deemed granted as to time, date, location and route as set forth on the application.

(i) When the commissioner denies an application for an athletic event permit, the commissioner shall authorize the conduct of an athletic event on a date, at a time or at a location different from that named by the applicant. This alternate permit shall, to the extent practicable, authorize an event that will have comparable public visibility and a similar location and date to that of the proposed event.

An applicant desiring to accept an alternate athletic event permit shall, within five business days after notice of the action by the commissioner, file a written notice of acceptance with the commissioner.

The commissioner is empowered to limit the athletic event to the sidewalk or to one or more traffic lanes of the street where it is determined that such limited area is capable of accommodating the number of participants or spectators anticipated based upon the information submitted by the applicant and the experience of previous comparable events, and such limitation shall not be considered a denial.

During the athletic event, members of the police department are authorized to limit the *available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of participants or spectators present.*

(j) (1) Any applicant who believes that his or her application for a permit is wrongfully denied may appeal the denial by notifying the department of administrative hearings of the intent to appeal. If no appeal is filed within five business days of the date of notice of the commissioner's decision, that decision shall be deemed final.

Upon the filing of such appeal, the department of administrative hearings shall cause a hearing to be held within five business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the commissioner.

Any final decision of the department of administrative hearings shall be subject to judicial review in accordance with applicable law.

In the event that the department of administrative hearings fails to act within five business days of the conclusion of a hearing held under this section, the application for a permit shall be deemed approved and the permit deemed granted as to time, date, location and route as set forth on the application.

(2) If there is not sufficient time to file the appeal in accordance with the procedure set forth in this subsection, the decision by the commissioner shall be deemed a final decision subject to judicial review in accordance with applicable law.

(k) Upon the filing of an application to conduct an athletic event, the commissioner shall investigate the facts set forth in the application and determine:

(1) The amount, if any, of a fee to be tendered to the city by the applicant to compensate the city for the provision of any city services deemed necessary by the commissioner for the safe and orderly conduct of the athletic event; and

(2) The amount, if any, of any bond or insurance, naming the city as the insured, that the commissioner determines is necessary to: (i) insure the city against any liability arising from the athletic event; (ii) indemnify the city against any additional or uncovered third party claims arising out of or caused by the athletic event; and (iii) cover the cost for any damage to the public way or other city property arising out of or caused by the athletic event.

No athletic event permit shall be issued until such fees are paid or bonds furnished. The commissioner shall adopt rules and regulations to govern the determination of whether any fees or bonds are required and the amount of any such fees or bonds.

(l) The commissioner, in consultation with other city departments and agencies, including the department of cultural affairs and special events, shall promulgate rules and regulations to implement this section.

(m) It shall be unlawful for any person to knowingly interfere with any person or organization lawfully conducting an athletic event.

(n) Any person violating any of the provisions of this section, or any of the provisions of the regulations promulgated hereunder, shall be fined not less than \$1,000.00 nor more than \$2,000.00 or may be subject to incarceration for up to ten days, or both. In addition to any other penalty or fine provided, any person who sells or assigns a permit granted under this section shall be barred from applying for another such permit for a period of three years.

10-8-334 Public Assembly.

(a) For purposes of this section the following definitions apply:

The term "organization" shall include any voluntary association entered into for the purpose of organizing a public assembly.

"Public Assembly Organizer" means the person who is designated on the notice sent to the commissioner as the responsible planner or on-site manager for the public assembly. A "Public Assembly Organizer" shall include a person who, even absent a formal designation, acts as the responsible planner or on-site manager for the public assembly.

"Public Assembly" means a company of persons collected together in one place on the sidewalk, or any organized march or procession of persons upon the sidewalk, which is reasonably anticipated to interfere with or impede the flow of pedestrian traffic, but will not: (i) obstruct the normal flow of vehicular traffic, or (ii) require a street closing or otherwise require police officers to stop or reroute vehicular traffic because the persons will not or cannot comply with normal and usual traffic regulations or controls.

The terms "Business day," "Commissioner" and "Person" have the same meaning ascribed to those terms in section 10-8-330.

(b) (1) Any person or organization planning to lead or initiate any type of public assembly, including a march or procession upon a public sidewalk, shall notify the commissioner, in a form prescribed by the commissioner, at least five business days in advance, or as soon as practicable if the event is of a spontaneous or urgent nature, and shall inform the commissioner of the date, time, location, route and estimated number of persons participating, so that the city can make any preparations necessary to provide personnel or other city services to minimize the obstruction to pedestrian and other traffic and to otherwise protect the participants and the public.

(2) Such public assemblies shall be allowed unless the commissioner notifies, in writing by mail, fax or e-mail the person or organization giving the notice, within two business days after receipt of notice of the public assembly, or as soon as practicable before the scheduled event, that there would be a direct interference with a previously planned permitted activity or public assembly, or that there is a significant public safety issue, limited to those set forth for parades in section 10-8-330 (g)(1) – (4). If the commissioner issues such a notice, the commissioner must state the reasons in writing and give an alternate date, time, location or route. This alternate, to the extent practicable, shall authorize a public assembly that will have comparable public visibility, and a similar route, location and date to that of the proposed public assembly. An applicant desiring to accept the alternate public assembly shall, within five business days after notice of the action by the commissioner, file a written notice of acceptance with the commissioner.

(c) Any public assembly organizer who wishes to appeal the commissioner's decision

regarding an alternate date, time, location or route may appeal by notifying the department of administrative hearings of the person's intent to appeal, as follows:

(1) If the notification was received in sufficient time that the appeals process could be completed before the planned date of the public assembly, the person shall file an appeal with the department of administrative hearings within five business days of the date of notice of the commissioner's decision. If no appeal is filed within five business days of the date notice of the commissioner's decision is given, that decision shall be deemed final.

Upon the filing of such appeal, the department of administrative hearings shall cause a hearing to be held within five business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the commissioner.

Any final decision of the department of administrative hearings shall be subject to judicial review in accordance with applicable law.

In the event that the department of administrative hearings fails to act within two business days of the conclusion of a hearing held under this section, the public assembly shall be allowed as to date, time, location and route as set forth in the notice filed with the commissioner.

(2) If there is not sufficient time to file the appeal in accordance with the procedure set forth in this subsection, the decision by the commissioner shall be deemed a final decision subject to judicial review in accordance with applicable law. Upon request, the commissioner will provide the public assembly organizer or person required to give notice of the public assembly a copy of the commissioner's written notice issued pursuant to subsection (b)(2).

(d) In order to protect the health and safety of the public, if at any time during the occurrence of the public assembly, the public assembly is substantially interfering with pedestrian traffic, safe ingress to or egress from buildings, or access by emergency responders, in the area contiguous to the activity, members of the police department are authorized to establish a pedestrian pathway on the sidewalk for the purpose of pedestrian traffic, ingress to or egress from surrounding buildings, and access for emergency responders; provided that the pedestrian pathway shall be reasonable in size and allow use of the remaining sidewalk by the participants in the public assembly. After that portion of the sidewalk has been established as a pedestrian pathway and communicated to the participants, the participants shall not obstruct pedestrian traffic, ingress to or egress from the surrounding buildings, or access by emergency responders, in the pedestrian pathway.

(e) In order to minimize the interference with vehicular traffic and to otherwise protect the participants and the public, in those cases where the attendance at the public assembly exceeds the anticipated levels and causes the public assembly to interfere with vehicular traffic or requires a street closing or otherwise requires authorized city employees to stop or reroute vehicular traffic because the public assembly will not be able to comply with usual traffic regulations or controls, members of the police department are authorized to make reasonable accommodations to increase the portion of the public way available to the public assembly. After that portion of the public way available to the participants is identified and communicated to the participants, the participants shall not use any other portion of the public way outside the boundaries identified by the police.

Nothing in this subsection shall be deemed as waiving the requirement for a parade permit pursuant to section 10-8-330, if required.

(f) The commissioner is authorized to promulgate rules and regulations to implement this section.

(g) It shall be unlawful for any person to knowingly interfere with any person or organization lawfully conducting a public assembly.

(h) Any person violating subsections (d) or (e) of this section shall be fined not less than \$200.00 nor more than \$500.00. Any person violating any other provision of this section, or any regulations promulgated hereunder, shall be fined not less than \$1,000.00 nor more than \$2,000.00, or may be subject to incarceration for up to ten days, or both.

SECTION 5. Chapter 10-8 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by adding the language underscored, as follows:

10-8-335 Outdoor special events.

(a) As used in this section unless the context requires otherwise:

(1) "Special event" means a planned temporary aggregation of attractions, including public entertainment, food and beverage service facilities, sales of souvenirs or other merchandise, or similar attractions, that is (i) conducted on the public way; or (ii) conducted primarily outdoors on property open to the public other than the public way and which:

(Omitted text is unaffected by this ordinance)

"Special event" does not include a parade or athletic event for which a permit is required under ~~section~~ sections 10-8-330 or 10-8-332, a neighborhood block party at which no food, beverages or merchandise is sold, or a citywide festival conducted pursuant to an intergovernmental agreement authorized by ordinance.

(Omitted text is unaffected by this ordinance)

10-8-350 Performance in public ways.

No person shall engage in any game, sport, amusement, performance or exhibition, or exhibit any machine or show or any animal, or indulge in any acrobatic or gymnastic feats, on any public way in the city, except as provided in Sections 10-8-330 or 10-8-332 and Chapter 4-268.

(Omitted text is unaffected by this ordinance)

SECTION 6. This ordinance shall be in full force and effect ten days after its passage and publication; provided that any parade or athletic event permit issued under section 10-8-330 prior to the effective date of this ordinance shall be valid.